

with cable operators. Many, if not all, broadcast stations enter into contracts to be the sole providers of particular network or syndicated programming within a certain geographic radius. See 47 C.F.R. §§ 76.93, 76.103. When broadcast stations do so, the FCC's network non-duplication and syndicated exclusivity rules generally require cable operators to black out the duplicative programming when they retransmit signals from distant stations into the protected areas. See 47 C.F.R. §§ 76.92, 76.101. If the FCC determines that a distant signal is significantly viewed in a community, the FCC exempts the signal from the network non-duplication and syndicated exclusivity rules so that the cable operator can carry the distant signal, including the duplicative programming, into the local market. See 47 C.F.R. §§ 76.92(1), 76.106(a). If the signal ever loses viewership such that it no longer qualifies as significantly viewed, the FCC does not literally remove the signal from the significantly viewed list, but parties can petition the FCC to re-impose the blackout obligations.

In the satellite context, however, the network non-duplication and syndicated exclusivity rules ordinarily apply only to retransmission of nationally distributed superstations. See 47 C.F.R. 76.120(b), §§ 76.122, 76.123. They do not currently apply to retransmission of distant signals of network stations or non-network stations that are not superstations. Section 340(e)(1) is intended to give the FCC authority to apply the network non-duplication and syndicated exclusivity rules to distant signals of network or non-network stations in a way that replicates, where and when appropriate, the way the FCC "removes" signals from the significantly viewed list for cable. Section 340(e)(2) makes clear that section 340(e)(1) does not authorize the FCC to apply the network non-duplication and syndicated exclusivity rules to other lawful retransmissions of distant signals of network or non-network stations, such as when a consumer is unserved over the air.

#### TRIBUTE TO THE LATE MEREDITH DOCKING

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to the late Meredith Docking, widow of former Kansas Governor Robert Docking, who served as First Lady of Kansas from 1967 to 1975. Meredith Docking passed away on October 27th, at her home in Lawrence, Kansas, after a valiant struggle with pancreatic cancer. Earlier, she lived in Arkansas City, where the Docking family owned Union State Bank.

Meredith Gear Docking was born July 15, 1926, in Elkhart, Kansas, the daughter of George Russell and Irene Griffith Gear. She graduated from the University of Kansas in 1947 with a bachelor's degree in business. She married Robert Docking on June 17, 1950. His father, George Docking, was elected governor of Kansas in 1956 and 1950, ushering into Kansas its current era of two-party politics. Robert Docking, the only Kansan elected governor of the state four times—in 1966, 1968, 1970 and 1972—died in 1983.

Their son, Tom, served as lieutenant governor of Kansas from 1983–1987, under Governor John Carlin. Another son, Bill, now serves as a member of the Kansas Board of Regents.

A woman of grace and dignity, Meredith Docking represented her state during the turbulent times of the late 1960s and early 1970s, served charitable and civic organizations, and participated in Democratic Party political activities with her husband and father-in-law. I enclose in the RECORD as a part of this tribute two articles carried by the local press upon Meredith Docking's death, from The Wichita Eagle and The Lawrence Journal-World, which summarize her activities and impact upon our state. It is fitting that Meredith Docking had named in her honor the "Meredith Rose", a pink rose that is now found in parks and arrangements in Arkansas City, Wichita and Lawrence, Kansas. All Kansans mourn her passing, but as her family members have done, we find inspiration in her life and legacy.

[From the Wichita Eagle, Oct. 28, 2004]

MEREDITH DOCKING, FORMER FIRST LADY OF KANSAS, DIES

(By Beccy Tanner)

Meredith Docking—the first lady of Kansas from 1967 through 1975 and for whom a pink rose is named—died Wednesday at her home in Lawrence. She was 78.

Mrs. Docking was the wife of Robert Docking and the daughter-in-law to George Docking, both Kansas governors. Her son, Tom, was lieutenant governor. "From my perspective, she was a great mother, very supportive of the family and tried to help each family member do what was important to them," said William Docking of Arkansas City. "But personally, she didn't care much for politics. She recognized how important the political process is and was for so many of our family members—but she was a private person and did not care for politics."

Services will be at 10 a.m. Friday at the First Christian Church in Lawrence.

Meredith Gear was born July 15, 1926, in Elkhart. She received her bachelor's degree in business from the University of Kansas in 1947. Her husband, Robert, graduated from KU in 1948. They married in 1950 and lived in Arkansas City, where he was president of Union State Bank. Robert Docking also served Arkansas City as a city commissioner and mayor until 1966, when he was elected governor. "She fit nicely in the mold of first ladies of that era—who were more traditional," said her son, Tom Docking of Wichita.

Mrs. Docking was first lady of Kansas at a time when national politics and world events were volatile—the United States was caught up in the Vietnam War, university students throughout the nation were holding protests, and race riots were breaking out in major cities.

Mrs. Docking's role as first lady was to entertain dignitaries and conduct tours of the governor's mansion. When Bobby and Ethel Kennedy came to Kansas, they stayed with the Dockings.

After her husband's four terms as governor, Mrs. Docking helped establish the Docking Faculty Scholar Program at KU. She also served on several boards throughout the state. Her husband died in 1983. In January, Mrs. Docking learned that she had pancreatic cancer. "My mother always believed that if you had 75 good years you ought to consider yourself fortunate," Bill Docking said. "She was 77 when she was diagnosed and died when she was 78. There was no hand-wringing or asking 'Why me?' She was not fearful of death in any way."

April 30 of this year was designated "Meredith Docking Day" and Arbor Day in Arkansas City. The cities of Lawrence, Wichita and Arkansas City have planted hundreds of pink "Meredith" roses named in her honor.

She is survived by her sons, William, Arkansas City, and Tom, Wichita; a sister, Virginia Winslow, Bradbury, Calif.; and three grandchildren.

[From the Lawrence Journal-World, Oct. 28, 2004]

FORMER FIRST LADY DOCKING DIES

(By Mike Belt)

Former first lady of Kansas and longtime Kansas University benefactor Meredith Docking died Wednesday at her home in Lawrence. "She was a wonderful mother and grandmother, and she had great relationships with so many friends," said her son, Bill Docking. "She lived an interesting life."

Meredith Docking, 78, the wife of the late governor Robert Docking, died a few minutes after 6 a.m. with her family around her. Bill Docking said she had been diagnosed last winter with terminal pancreatic cancer. "Throughout her illness she was so brave," said close friend Kitty Hagen, of Lawrence. "She was a great wit and a lot of fun."

Robert Docking served as governor from 1967 to 1975. But while the family lived in the governor's Cedar Crest mansion in Topeka, Meredith never lost her simple ways, Hagen said. "She was one of the first ladies who didn't go over her budget," Hagen said. "She was very thrifty. She was as thrifty with the state's money as she was with her own."

At the same time, Meredith Docking often donated money to worthy causes anonymously, Hagen said. "She did a lot of things people, including her family, didn't know about," Hagen said. "She never failed to do what she could to help."

Meredith Docking was a longtime supporter of KU, a member of the KU Alumni Association and the Outlook Society, which honors donors of \$500,000 or more through the Chancellor's Club, KU Endowment's major-donor organization.

In 1999, she donated \$1 million to KU to create the Docking Faculty Scholars Award to honor and keep exceptional KU teachers and scholars. "Meredith Docking's gifts to the university, as a volunteer, a donor and an inspiration, were felt throughout the campus," KU Chancellor Robert Hemenway said.

She graduated in 1947 from KU, where she met her husband, the future governor who graduated in 1948. Gov. Kathleen Sebelius noted Meredith Docking's civic contributions and "quiet strength." "For eight years Meredith Docking represented Kansas with grace, dignity and warmth as our first lady," Sebelius said. "After leaving Cedar Crest, she maintained a respected presence throughout the state and was always a great booster of the state of Kansas."

Meredith Docking was well-known for her fondness for roses and was involved in beautification efforts in Arkansas City and in Lawrence, where she had lived. For her 75th birthday her family commissioned a California company to create a rose in her honor, Bill Docking said. They named it the Meredith Rose, and many of them can be found in Arkansas City parks and in Wichita. In Lawrence the Meredith Rose is in front of the Lawrence Visitor Center, 402 N. Second St., and in the Audio-Reader Garden next to the Behr Audio-Reader Center at KU. "It's really a lovely pink rose and very fragrant," Bill Docking said.

Meredith Docking loved watching the TV show "Jeopardy," which once featured a question about the Kansas governor, and host Art Fleming mentioned that the governor's wife was a big fan of the show, Bill

Docking said. Fleming signed the card with the question on it and sent it to the Dockings. Margaret Gilliland, of Arkansas City, and Meredith Docking were Chi Omega sorority sisters at KU in the 1940s. "She absolutely loved to play bridge," Gilliland said. "And as long as Bob was alive, she was definitely a Democrat."

Former Arkansas City state Rep. Jack Shriver joked that Meredith Docking kept her husband in line. "The whole time she was in politics, I don't think she made a single enemy, and that's saying a lot," Shriver said.

Kansas Democratic Party Chairman Larry Gates called her death a big loss to the state. "She was really one of the few left from that era," Gates said. "We are losing some really wonderful, colorful people."

Meredith Docking, however, didn't enjoy the limelight of politics, Bill Docking said. "She knew how important it was for several members of the family, and she was always supportive of their efforts, as she was supportive to all of her family," he said.

Memorial services for Meredith Docking will be 10 a.m. Friday at First Christian Church.

#### HONORING KATHRYN A. HEIN ON HER RETIREMENT AFTER 27 YEARS OF DEDICATED FEDERAL SERVICE

#### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. KLECZKA. Mr. Speaker, at the end of the 108th Congress, my Chief of Staff and loyal friend, Kathy Hein, will be retiring from federal government service after a twenty-seven year career as a dedicated and distinguished public servant.

Growing up in DePere, Wisconsin, Kathy found political inspiration at an early age when in high school she volunteered to help Eugene McCarthy's efforts to win the Democratic nomination for President. Four years later, she volunteered again for George McGovern's campaign.

Graduating with a degree from the University of Wisconsin-Oshkosh, she began her professional political career managing Fr. Robert Cornell's successful congressional bid. After being employed in the office of Governor Pat Lucey and Governor Marty Schreiber, she moved to Washington D.C. to work in the congressional office of my late colleague, Representative Les Aspin.

Following the unexpected passing in 1984 of my predecessor, Representative Clem Zablocki, Kathy became an invaluable asset in my successful campaign to win the Wisconsin Fourth Congressional District Democratic Primary. Since that time she has shown tremendous dedication to me and the people of Wisconsin's Fourth Congressional District. Whether it was responding to constituent requests, managing the office, or catering to my needs, over the last twenty years she has given her all to provide the best possible service to our constituents.

When Kathy is not working in the office, she can often be found at home creating culinary delicacies, and is especially famous for her amazing desserts which my staff and constituents have benefited from over the years. She has an abiding love for dogs, and has made

several wonderful canines part of her family over the years, the latest of which is her Josie. And she enjoys spending time with her loving husband of twenty-three years, Gordon Werner.

The great labor leader Walter Reuther once said, "There is no greater calling than to serve your fellow men. There is no greater contribution than to help the weak. There is no greater satisfaction than to have done it well."

Mr. Speaker, colleagues, and fellow Wisconsinites, my friend Kathryn A. Hein has "done it well." She heard the call to public service and responded with enthusiasm, commitment, and perseverance. Please join me in congratulating her on an illustrious career in federal service and wish her well as she embarks on new adventures.

#### PAYING TRIBUTE TO ANDY FAUTHEREE

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Andy Fautheree, a dedicated Veterans Service officer from Archuleta County, Colorado. He has made a difference in the lives of Colorado veterans and I have the privilege of standing before this body of Congress and this Nation to recognize his impeccable record of service.

Andy began working for the veterans service three years ago, and in that short time has made numerous strides in improving the lives of veterans in Archuleta County. He has increased the number of enrolled veterans receiving compensation and pension claims from 750 to 1,300 and has streamlined many of the procedural hassles of paperwork by entering the data in computer programs that are now utilized throughout the state. Andy helps veterans to go after lost medals, acquire life and health insurance, education benefits, and income-based pensions. For his efforts Andy received the 2004 Outstanding Veterans Service Officer award from the Colorado Department of Veterans Affairs for his outstanding commitment and improved service to the veterans of Archuleta County.

Mr. Speaker, Andy Fautheree has shown an amazing dedication in helping Colorado's veterans. He has improved the lives of members of his community and I am honored to recognize his accomplishments before this body of Congress and this Nation today. Keep up the good work Andy, and I wish you all the best in your future endeavors.

#### A TRIBUTE TO GLENN E. PORZAK

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Glenn Porzak, a world-renowned mountain climber who has remained an active climber and contributor to the climbing community even into his 50s. Glenn has not only excelled at the physically challenging ascents of the world's tallest peaks, he has

also developed a distinguished reputation as a staunch legal defender of his client's water rights as well as a contributing member of his community.

Glenn recently returned to his home in Boulder, Colorado, from successfully reaching the summit of Cho Oyu, the world's sixth-highest peak in the Himalayas. Like all of the high peaks in the world, the 26,940-foot Cho Oyu is a challenging peak, and his ascent is a noteworthy achievement. This achievement is even more impressive given that it marks his fifth successful ascent of one of the world's 14 peaks higher than 8,000 meters (26,250 feet). With the ascent of Cho Oyu, Glenn has now reached the summit of one of these high peaks in each of the past three decades. He previously summited Mt. Everest, Makalu (the fifth highest in the world), Mount Shisha Pangma (the thirteenth highest) on which he made the first American ascent, and Lhotse (the fourth highest) on which he also led the first American ascent.

For those who climb high peaks and know of the physical demands, logistical complications and harsh environmental conditions involved, having the stamina and wherewithal to continue these climbs is remarkable. And he did it with the help of his expedition team, which was made up of members who were each over 50. As Glenn put it in a recent news story in the Boulder Camera about this ascent, "Many people are familiar with the adventure book 'Into Thin Air' [the Jon Krakauer book about the illfated Everest expedition in 1996 when five people lost their lives]. Well, we referred to our 50-something expedition as 'Into Gray Hair.'"

Glenn carries his energy and enthusiasm for climbing into his law practice and his other activities. He is very dedicated to his law practice, where he works to further Colorado's environmental causes on issues such as water rights, conservation and real property law. Glenn somehow also finds time to lead and work for numerous community efforts such as a Board of Trustee of the University of Colorado, past chairman of the board for the Colorado Outward Bound School, and president of the American Alpine Club and the Colorado Mountain Club. Anyone that knows Glenn can attest to his incredible stamina and enduring perseverance.

Glenn is a lifelong resident of the State of Colorado. He graduated from the University of Colorado at Boulder, receiving a Bachelor of Arts with distinction in 1970 and a Juris Doctorate from the University of Colorado School of Law in 1973. After completing his education, he quickly became a member of one of the oldest and largest law firms in the Rocky Mountain West, Holme Roberts & Owen LLC. Glenn went on to become a partner with this firm in 1980 and remained so until 1996, when he became the managing partner of Porzak Browning & Bushong LLP. It was during this time that he began to specialize in environmental law.

Over the course of Glenn's 31-year career, he has worked tirelessly to provide all Coloradans with sound legal counsel on many issues. His focus on conservation and water litigation has been the key to his many successes. Some of his notable achievements include: Obtaining the first federal contracts for water from Green Mountain and Ruedi Reservoirs; negotiating the wide-ranging agreement between the Denver Water Department